

October 20, 2021

**By E-mail (gplumer@alexandrianj.gov)**

Michael McQueeney  
646-927-5502  
mmcqueeney@foleyhoag.com

Alexandria Township  
c/o Mayor Gabe Plumer  
242 Little York Mt. Pleasant Road  
Milford, New Jersey 08848

Re: Medical Cultivation/Manufacturing in Alexandria by Altus New Jersey LLC

Mayor Plumer:

This firm is counsel to Altus New Jersey LLC (“Altus”), who, after a long wait, is excited at the prospect of finally commencing medical cultivation and manufacturing operations<sup>1</sup> in the Township of Alexandria (“Alexandria” or the “Township”). We look forward to what will hopefully become a meaningful and long lasting relationship between Altus and Alexandria, and trust that this is but the first step in that process. As will be identified herein, Altus’ notice of award issued by the New Jersey Cannabis Regulatory Commission (“CRC”) required – in light of the 2+ year delay – confirmation that certain aspects of the application and Altus’ operations remain effective and in place.

By way of reminder, Altus’ relationship with Alexandria began in 2018 in a prior application round; in light of that, we thought it would be helpful to provide a brief background as to how it is that both Altus and Alexandria got to where we are today. Altus first committed to locating a cultivation and manufacturing facility in Alexandria in 2018, when it first applied to become a medical marijuana alternative treatment center (“ATC”). Part of the reason that Altus located in Alexandria was due to its openness to ATCs. Indeed, Resolution 2018-096 (the “2018 Resolution”), enclosed as **Exhibit A**, identified that Alexandria “supports the expansion of New Jersey’s Medical Marijuana Program and is interested in adopting zoning regulations to permit a land use category within [Alexandria] for an ATC that will permit an individual or entity to cultivate, process and manufacture products from cannabis . . . and as those activities may be permitted through a duly awarded permit.” While Altus was unsuccessful in its application to operate as an ATC in 2018, it remained focused on the ample benefits provided by Alexandria’s community as a whole.

When the New Jersey Department of Health, Division of Medicinal Marijuana (“DOH”) again solicited applications for new ATCs over the summer of 2019, Altus again

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<sup>1</sup> The CRC approved Altus to operate as a cultivator with up to 30,000 square feet of flowering canopy, as well as ancillary operations related to the conversion of medical cannabis flower into approved medical cannabis products.

approached Alexandria as to its willingness to host its cultivation and manufacturing operations, should it be successful in its application before the DOH. Alexandria again agreed, authorizing Mayor Michelle Garay to issue an express letter of support in aid of Altus' application, enclosed as **Exhibit B**. Specifically, the Mayor identified that:

[Alexandria] appreciates [Altus'] continued interest in [] opening and operat[ing] [] a medical marijuana cultivation and processing facility in our Township. . . . When your company made a presentation to the Township Committee last August [of 2018], your plans for a medical marijuana growing and processing facility were clearly detailed; you had in-depth knowledge and professionalism for both our residents and the Township Committee. The Alexandria Township Committee fully supports a medical marijuana cultivation and/or processing facility in Alexandria Township.

Altus thereafter submitted its ATC application to the DOH on or about August 22, 2021. Unfortunately, and through no fault of Altus, the 2019 application round was ground to a halt by litigation before the Superior Court of New Jersey for a period of approximately 14 months, and only as of February 2021 was the DOH – and then its predecessor the CRC – able to resume scoring the 2019 ATC applications.

In the interim, we were happy to see that Alexandria continued to support all those applicants that chose Alexandria waiting in the queue. For instance, and during the pendency of the 2019 application round, the voters of New Jersey and then the legislature legalized adult-use cannabis, passing the Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (“CREAMMA”), which required, among other things, all municipalities in the State of New Jersey to affirmatively opt-in/opt-out of adult-use cannabis business uses. During those discussions, the Township continued to prioritize and support those entities that had applied to operate as ATCs in the 2019 application round.

Specifically, and as reflected in the Meeting Minutes from April 14, 2021 (the “Meeting Minutes”) enclosed as **Exhibit C**, the Township Committee agreed that:

Resolutions that the Township did for medical marijuana growers **will be grandfathered** as they can still obtain licensing for the growing of medical marijuana.

Thereafter, Alexandria passed Ordinance 2021-5 – prohibiting adult-use cannabis establishments – but did not alter or otherwise affect the support for medical applicants previously provided.<sup>2</sup>

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<sup>2</sup> For the avoidance of any doubt, Altus reemphasizes that its anticipated operations in Alexandria is *limited to* cultivating and manufacturing medical cannabis and medical cannabis products – and does not permit, in any capacity, adult-use cannabis operations.

On October 15, 2021 – at long last – Altus was awarded a vertically integrated ATC permit based on the 2019 application (“Notice of Award”), enclosed as **Exhibit D**. As part of the process for becoming operational – and given the length of time that has transpired since application submission – the CRC requested *confirmation* of certain practical aspects of the application. As it relates to Alexandria, the Notice of Award specified that the awardees must confirm in writing that it still has local approval for the specific cultivation/manufacturing uses. While Altus has no reason to believe that local approval for its proposed uses has changed – in light of the preceding – we simply look to confirm that given our continued interest and desire to commence our operations within Alexandria.

To be clear, the CRC’s request for local approval is not akin to zoning approvals – something clearly impossible to achieve within a mere 20 days. Indeed, the 2019 application itself merely requested “[w]ritten verification of the approval of the community or governing body of the municipality in which the alternative treatment center is or will be located,” something evidenced by the letter of support previously issued by Mayor Garay. Make no mistake, as Altus moves forward in its process to build out its ATC facility, it will comply with any and all zoning and construction related requirements of the Township – but that is a process saved for a different day, as Altus simply seeks, for the time being, to notify Alexandria of its successful application and to confirm the preceding.

In our experience, it’s valuable to restart conversations following license award that may have occurred several months previous; a point all the more important given that this application period spanned more than two years. In light of the preceding history referenced above, we have no reason to believe that any local support has been rescinded – and to the contrary, the Meeting Minutes make clear that all approvals provided “for medical growers **will be grandfathered** as they can still obtain licensing for growing of medical marijuana.” We would welcome the opportunity to either meet in person or join a conference call to reintroduce ourselves and discuss the great benefits that we believe our facility in Alexandria will bring to the community and to learn more about the ways in which we can focus our operations for the betterment of the Township as a whole.

We thank you for your time and attention.

Sincerely,

*/s/ Michael C. McQueeney*

c: Michele Bobrowski, Clerk (via electronic mail)  
Peter Bio (via electronic mail)  
Robert Pease (via electronic mail)  
Jonathon Goldrath (via electronic mail)

# **EXHIBIT A**

**RESOLUTION 2018 - 096  
TOWNSHIP OF ALEXANDRIA**

**RESOLUTION SUPPORTING THE EXPANSION OF THE NEW JERSEY  
COMPASSIONATE USE MEDICAL MARIJUANA ACT AND AFFIRMING  
ALEXANDRIA TOWNSHIP'S COMMITMENT TO ESTABLISHING ZONING  
REGULATIONS TO PERMIT THE CULTIVATION, PROCESSING AND  
MANUFACTURING OF CANNABIS AS A PERMITTED USE IN  
ALEXANDRIA TOWNSHIP**

**WHEREAS**, the "New Jersey Compassionate Use Medical Marijuana Act" (the Act) (N.J.S.A. 24:61-1 et seq.) provides legal protection for the cultivation, processing, dispensing and use of marijuana for medical purposes; and

**WHEREAS**, the State of New Jersey has determined, pursuant to the Act, that it is necessary to expand New Jersey's Medical Marijuana Program in order to meet the needs of qualified patients by announcing its acceptance of applications for the issuance of six (6) additional Alternative Treatment Centers (ATC's); and

**WHEREAS**, the Township Committee of the Township of Alexandria (the "Township") supports the expansion of New Jersey's Medical Marijuana Program and is interested in adopting zoning regulations to permit a land use category within the Township of Alexandria for an ATC that will permit an individual or entity to cultivate, process and manufacture products from cannabis as authorized under the Act and as those activities may be permitted through a duly awarded permit by the New Jersey Department of Health and Senior Services; and

**WHEREAS**, the Township Committee has a reasonable expectation that an ATC will provide, in consideration of company's corporate social responsibility program(s), a percentage of annual gross revenue or fixed fee in the form of an annual host agreement and/or license agreement with the municipality pursuant to revenue sharing terms contained within such agreement; and

**WHEREAS**, the Township Committee has consulted with its various professional staff and is preparing a draft ordinance for the purpose of demonstrating the municipalities' interest and commitment to facilitating the development and operation of an ATC within municipal boundaries; and

**WHEREAS**, the Township Committee seeks to provide an opportunity for interested ATC operators to propose facilities in the Township and to submit the required application materials to the New Jersey Department of Health; and

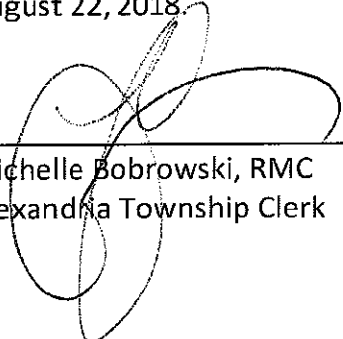
**NOW, THEREFORE BE IT RESOLVED**, by the Alexandria Township Committee on this 22<sup>nd</sup> day of August, 2018 that:

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1. The Township Committee commits its support in accordance with the recitals above hereby incorporated and is in favor of an ATC operating within the Township pursuant to the Act;
2. The Township Committee directs that medical marijuana businesses that propose to cultivate, process and manufacture cannabis and intend to operate a duly permitted ATC within Alexandria Township may begin the application process for a permit with the New Jersey Department of Health while Alexandria Township takes the actions necessary to implement zoning to permit such an operation in the Township; and
3. The Mayor is authorized to issue letters in support of responsible medical marijuana businesses applying to the New Jersey Department of Health for an ATC permit.

Township Committee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Mayor Garay			X			
Deputy Mayor Pfeferle	X		X			
Committeeman Kiernan		X	X			

I, Michelle Bobrowski, RMC, Township Clerk of the Township of Alexandria, County of Hunterdon, State of New Jersey, do hereby certify that this is a true and correct copy of the Resolution adopted by the Township Committee at their meeting held on August 22, 2018.



Michelle Bobrowski, RMC  
Alexandria Township Clerk

# **EXHIBIT B**



# ALEXANDRIA TOWNSHIP

*Incorporated 1765*

Michelle Garay  
Mayor

R. Christian Pfefferle  
Township Committee

Jim Kiernan  
Township Committee

Michele Bobrowski  
Township Administrator/Clerk

July 26, 2019

Jonathon Goldrath  
Altus New Jersey LLC  
200 West County Lane Road, Suite 1  
Jackson, NJ 08527

Dear Jonathan,

Alexandria Township appreciates your continued interest in your opening and operation of a medical marijuana cultivation and processing facility in our Township. We understand that you have selected 26 Airport Road for the proposed facility.

The Township Committee will be looking at having a first reading of an ordinance for the purpose of demonstrating the municipality's interest and commitment to facilitating the development and operation of an Alternative Treatment Center within the municipal borders in August.

When your company made a presentation to the Township Committee last August, your plans for a medical marijuana growing and processing facility were clearly detailed; you had in-depth knowledge and professionalism for both our residents and the Township Committee.

The Alexandria Township Committee fully supports a medical marijuana cultivation and/or processing facility in Alexandria Township.

Sincerely,

Michelle Garay  
Mayor



# **EXHIBIT C**

**ALEXANDRIA TOWNSHIP COMMITTEE MEETING  
MINUTES  
April 14, 2021**

**Members of the public who wish to participate in the meeting may do so by calling  
1-978-990-5000 followed by meeting number Access Code: 333891 at 7:35 PM.**

Individuals calling into this number will be able to fully participate in the meeting, including providing public comment. *A non-public dial in number will be used if executive session is required.*

In accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and in consideration of Executive Order No. 103, issued by Governor Murphy on March 9, 2020, declaring a State of Emergency and a Public Health Emergency in the State of New Jersey, the Township of Alexandria does hereby notify the public that to protect the health, safety and welfare of our citizens while ensuring the continued functioning of government, the meeting of the Mayor and Committee will be held telephonically only. Notice of this meeting was published in the Democrat on January 7th. Notice was posted on the Municipal Office Front Doors and the Township website.

**Meeting Called to order at 7:53 PM.**

**ROLL CALL:**

**PRESENT:** Mayor Plumer, Committeeman Pfefferle, Committeeman Kiernan, Twp. Atty. Dragan

**ABSENT:** None

**FLAG SALUTE:**

Mayor Plumer led the flag salute.

**INTRODUCTION OF 2021 BUDGET:**

CFO Rees prepared the 2021 Budget for the Township Committee to review. The budget as prepared will provide no tax increases at the municipal level and to maintain a no tax increase the Township will utilize \$21, 991.00 from surplus.

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to introduce the budget as presented to the Township Committee. Adoption of Budget will be held on Wednesday, May 12, 2021 at 7:35 PM.

**Roll Call: Aye: Plumer, Pfefferle, Kiernan**

**Nay: None**

**Abstain: None**

**Motion Carried**

**UNFINISHED BUSINESS:**

- 2021-004 To Exceed the Municipal Budget Appropriation Limits to Establish a Cap Bank (N.J.S.A. 4-45.14) Calendar Year 2021-**2<sup>nd</sup> Reading**

Comm. Kiernan made a motion, seconded by Comm. Pfefferle to open public comment for Ordinance 2021-4.

**Roll Call: Aye: Plumer, Pfefferle, Kiernan**

**Nay: None**

**Abstain: None**

**Motion Carried**

As there were no public comments, Comm. Kiernan made a motion, seconded by Comm. Pfefferle to close public comment for Ordinance 2021-4.

**Roll Call: Aye: Plumer, Pfefferle, Kiernan**

**Nay: None**

**Abstain: None**

**Motion Carried**

Comm. Kiernan made a motion, seconded by Comm. Pfefferle to adopt Ordinance 2021-4.

**Roll Call: Aye: Plumer, Pfefferle, Kiernan**

**Nay: None**

**Abstain: None**

**Motion Carried**

**ORDINANCE 2021-004 FOR THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) CALENDAR YEAR 2021**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Township Committee of the Township of Alexandria in the County of Hunterdon finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Township Committee hereby determines that a 2.5 % increase in the budget for said year, amounting to \$ 55,779.05 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Alexandria in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Township of Alexandria in the County of Hunterdon shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 2.5%, amounting to \$55,779.05, and that the CY 2021 municipal budget for the Township of Alexandria in the County of Hunterdon be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

- Resolution 2021-074 Amending Resolution 2021-062 and Awarding a Contract with Weatherproofing Technologies, Inc. under the Educational Services Commission of New Jersey (ESNJ/AEPA) Cooperative for the Repair of the Equestrian Building Roof at the Township Park Barn

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to approve Resolution 2021-074.

**Roll Call: Aye: Plumer, Pfefferle, Kiernan**

**Nay: None**

**Abstain: None**

**Motion Carried**

**RESOLUTION 2021-074 AMENDING RESOLUTION 2021-062 FOR THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY AND AWARDED A CONTRACT WITH WEATHERPROOFING TECHNOLOGIES, INC. UNDER THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESNJ/AEPA) COOPERATIVE FOR THE REPAIR OF THE EQUESTRIAN BUILDING ROOF AT THE TOWNSHIP PARK**

**WHEREAS**, at a regular Township Committee meeting held on March 10, 2021, the Township Committee adopted Resolution 2021-062 awarding a contract in the amount of \$242,425.49 to Weatherproofing

Technologies, Inc. ("Contractor") for the replacement of the barn roof at the Alexandria Park under the Educational Services Commission of New Jersey (ESCNJ/AEPA) Co-op #65MCESCCPS, ESCNJ Contract #ESCNJ/AEPA #21-D, of which Co-op the Township is a member; and

**WHEREAS**, at the time Resolution 2021-062 was adopted, the Contractor was under the understanding that the contract price (which was based on a proposal dated October 2, 2019, made pursuant to its previous contract with the ESCNJ/AEPA Co-op, which expired on or about February 28, 2021) could remain the same under the 2021 contract with the Co-op; and

**WHEREAS**, Contractor and the Township must proceed under the pricing provided under the 2021 contract between Contractor and ESCNJ/AEPA Co-op, resulting in an adjusted contract price not to exceed \$223,461.19 per the proposal dated April 1, 2021 submitted by the Contractor; and

**WHEREAS**, as set forth previously in Resolution #2021-062 (and in Contractor's proposal of April 1, 2021), Alexandria Township will contract with the Contractor Weatherproofing Technologies, Inc. and its sub-contractor Strober-Wright Roofing to perform the following work on the barn roof:

1. Remove the existing shingles down to the underlying deck.

- a.) Replace an unsound decking with new in kind at an additional cost.
- b.) Total of 3,008 square feet is already included in the cost.

2. Install a new Tamko Moisture Guard ice and water shield & Tamko synthetic underlayment to the wood decking.

- a.) Install new ice and water shield at eaves, rakes, valleys, and other areas where ice may build up.
- b.) Install a Tamko synthetic underlayment at all remaining locations.

3. Install new Tamko Heritage shingles per manufactures recommendations & requirements.

- a.) Install Tamko Starter shingles where required by the manufacturer.
- b.) Install a new Tamko ridge vent to promote ventilation.

4. Install 4 new fiberglass panels where described during the job-walk.

5. Install all new sheet metal flashing details per NRCA, SMACNA, and Tremco specifications

- a ) Install-1,200 lineal feet of a new drip edge
- b ) Install-750 lineal feet of a new 6" k gutter.
- c ) Install-320 lineal feet of new 3" x 4" downspouts.

6. Provide a thirty (30) year Tamko limited lifetime manufacturer's warranty.

**WHEREAS**, the Township of Alexandria has sufficient funds to pay for the above repair in the Capital Funds Account of The Township of Alexandria Account Number 04-215-56-984-000.

**WHEREAS**, the Township's Chief Financial Officer has certified that there are funds in place to have the roof repaired.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee, Township of Alexandria, County of Hunterdon, State of New Jersey as follows:

1. Resolution #2021-062 is hereby amended to authorize and award a contract with Weatherproofing Technologies, Inc. to repair the park barn roof in an amount not to exceed \$ 223,461.19 per its proposal to the Township dated April 1, 2021 and made pursuant to ESCNJ/AEPA Co-op #65MCESCCPS, Contract #ESCNJ/AEPA-21D.
2. The Mayor, Deputy Mayor, Township Administrator/Clerk and CFO are authorized to take all action necessary to effectuate the aforementioned agreement.
3. The previous contract signed between the parties is hereby voided and shall be replaced by a replacement agreement which reflects the price as awarded herein.

- Resolution 2021-075 Permit Payment Refund for B-15.03, L-9.39, 48 Balmoral Road, Pittstown, NJ

Mayor Plumer recused himself from this discussion and Deputy Mayor Pfefferle took over the meeting for this matter. Comm. Pfefferle made a motion, seconded by Comm. Kiernan to approve Resolution 2021-075.

**Roll Call: Aye: Pfefferle, Kiernan**

**Nay: None**

**Abstain: None**

**Motion Carried**

**RESOLUTION 2021-075 TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE  
OF NEW JERSEY FOR  
PERMIT PAYMENT REFUND  
B- 15.03, L-9.39, 48 BALMORAL DRIVE, PITTSTOWN, NJ**

**WHEREAS**, payment in the amount of \$343.00 was received from Lauren Plumer for a building permit for Block 15.03, Lot 9.39 located at 48 Balmoral Road, Pittstown, New Jersey; and

**WHEREAS,** said amount was deposited by the township's Construction Department and forwarded to the Township Clerk for deposit into the township's general checking account; and

**WHEREAS,** the \$343.00 payment was for a permit for the installation of a generator; and

**WHEREAS,** due to a conflict of interest, the Alexandria Building Department cannot perform the review and inspections and the permit will need to be forwarded to Kingwood Township to have these services performed.

**NOW, THEREFORE BE IT RESOLVED,** that the Alexandria Township Finance Officer be authorized to issue a refund check in the amount of \$343. 00 payable to:

Lauren Plumer  
48 Balmoral Drive  
Pittstown, NJ 08867

#### **NEW BUSINESS:**

- Cannabis Legislation

State regulations have not been put into place to give municipalities guidance pertaining to the new cannabis legislation. The Township Committee was provided a memo by Twp. Atty. Dragan as to the steps the Township Committee needs to make in allowing cannabis businesses in the Township. If the Township does not want to permit all six types of licenses, then the Township will need to "opt out" by ordinance before the deadline of August 22<sup>nd</sup>. The Township will need to enact or amend current no-smoking ordinances that affect public properties to include cannabis, vaping, and aerosoling. The Township will be able to adopt Ordinances at a later date as to what types of cannabis industry to permit in the Township. Resolutions that the Township did for medical marijuana growers will be grandfathered as they still can obtain licensing for the growing of medical marijuana. Marijuana is an agriculture product and to grow it requires licensing through the State. If the Township permits some cannabis businesses within the Township's borders, it could be a tax benefit for the Township. The Township Committee will "opt out" at this time and Twp. Atty. Dragan will prepare an Ordinance reflecting this.

- Amended Sign Ordinance/Complaints

Several complaints were received regarding election signage still erected throughout the Township. At this time, the Township sign ordinance has nothing in place for election signage as to the size of the sign and a timetable as to when the sign can be erected and to be removed. The Land Use Board will be addressing this matter at a future meeting and will draft amended language to the existing sign ordinance. The Township does not want to limit free speech but in favor of safety measures.

- Authorization for the Township Engineer to survey and prepare plans for Schaaf Road, Phase III-NJ DOT Grant Project

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to authorize the Township Engineer to survey and prepare plans for Schaaf Road, Phase III-NJ Dot Grant Project.

**Roll Call: Aye: Plumer, Pfefferle, Kiernan**

**Nay: None**

**Abstain: None**

**Motion Carried**

- Resolution 2021-076 2021 Joint Bid Procurement of Maintenance and Repair Materials with the Townships of Alexandria, Holland, and Bethlehem

Comm. Pfefferle made a motion, seconded by Comm. Kiernan to approve Resolution 2021-076.

**Roll Call: Aye: Plumer, Pfefferle, Kiernan**

**Nay: None**

**Abstain: None**

**Motion Carried**

**RESOLUTION 2021-076 OF THE TOWNSHIP OF ALEXANDRIA, COUNTY OF  
HUNTERDON AND STATE OF NEW JERSEY FOR 2021 JOINT BID PROCUREMENT  
OF MAINTENANCE AND REPAIR MATERIALS WITH THE TOWNSHIPS OF  
ALEXANDRIA, HOLLAND AND BETHLEHEM**

**WHEREAS**, the Township of Alexandria is party to a shared service agreement with the Townships of Bethlehem and Holland for engineering and administrative fees in connection with the procurement of road maintenance and materials contracts; and

**WHEREAS**, the Township of Holland, acting as lead agency through its municipal engineer Colliers Engineering & Design has solicited and obtained a joint bid for the procurement of maintenance and repair materials on behalf of the aforementioned municipalities for the year 2021; and

**WHEREAS**, Alexandria Township understands that bids from two bidders were received and opened on April 8, 2021 and found acceptable by the Alexandria Township Engineer; and

**WHEREAS**, the Township Engineer has provided a summary of the bids April 12, 2021 with respect to the lowest responsible bidders, taking into consideration the mileage



adjustment factor for FOB items (ie. those that must be picked up by Alexandria Township trucks); and

**WHEREAS**, per the bid specifications, the contract period will be for the 2021 calendar year until December 31, 2021 with a provision for an additional twelve (12) month extension at the sole discretion of the governing body;

**WHEREAS**, the Alexandria Township Committee has reviewed the recommendation of award from its municipal engineer and agrees with same.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Alexandria Township, County of Hunterdon, State of New Jersey, that contracts be awarded in response to the 2021 joint bid for maintenance and repair materials to the following parties, in the amounts and at the prices listed below (references are to the Bid Summary attached hereto):

1. H & K Group, Inc (dba Warren Materials and ABE Materials)

- Item #2: 600 tons of Hot Mix Asphalt, Mix I-5, Surface Course (FOB), at the Unit Price Bid of \$58.92 per ton;
- Item #3b: 600 tons of Hot Mix Asphalt, Mix I-5, Surface Course (FDS), at the Unit Price Bid of \$68.92 per ton;
- Item #4: 300 tons of Hot Mix Asphalt, Mix I-2, Base Course (FOB), at the Unit Bid Price of \$52.92 per ton;
- Item #5b: 200 tons of Hot Mix Asphalt, Mix I-2, Base Course (FDS), at the Unit Bid Price of \$62.92 per ton;
- Item #6: 100 tons of Densely Graded Aggregate (DGA) (FOB), at the Unit Price Bid of \$9.45 per ton;
- Item #7b: 800 tons of Densely Graded Aggregate (DGA) (FDS), at the Unit Bid Price of \$19.45 per ton;
- Item #9a: 100 tons of 2 ½" Quarry Process/Road Blend (FDS), at the Unit Bid Price of \$21.45 per ton;
- Item #10: 100 tons of ¾" Clean Crushed Stone (FOB), at the Unit Bid Price of \$11.69 per ton;

Item 11b: 400 tons of 3/4" Clean Crushed Stone (FDS), at the Unit Bid Price of \$21.69 per ton;

Item 14b: 200 tons of Rip Rap, R4 -6" to 8" clean (FDS), at the Unit Bid Price of \$24.25 per ton;

2. Stavola Construction Materials, Inc.:

Item #13b: 400 tons of Screenings (FDS), at the Unit Price Bid of \$22.50 per ton

**BE IT FURTHER RESOLVED** that the Township Committee awards the above contracts for the 2021 Calendar Year with the ability to extend them for an additional twelve (12) month period, subject to the Township's sole discretion in accordance with the bid specifications.

**BE IT FURTHER RESOLVED** that the Township Engineer, Township Clerk and Township Attorney, as may be applicable, are authorized to finalize the contracts and notices of award and to administer same, and that the Mayor and/or Deputy Mayor are authorized to enter into said contracts on behalf of the Township Committee.

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

- Park & Rec Committee Funding Matter was tabled.

**ENGINEER'S REPORT:**

Township Committee reviewed the attached Engineer's report from Township Engineer Decker.

**APPROVAL OF MINUTES:**

- March 10, 2021 Township Committee
- March 10, 2021 Executive Session
- March 24, 2021 Workshop Meeting
- March 24, 2021 Executive Session

Above meeting minutes were tabled to discuss Executive Minutes in Executive Session.

**BILL LIST:**

Comm. Kiernan made a motion, seconded by Comm. Pfefferle to approve the April 14, 2021 bill list.

**Roll Call: Aye: Plumer, Pfefferle, Kiernan**

**Nay: None**

**Abstain: None**

**Motion Carried**

**PUBLIC COMMENT ON GENERAL MATTERS:**

None

**CORRESPONDENCE/ANNOUNCEMENTS:**

- Replacement of County Bridge A-45/County Route 619

The Hunterdon County Engineer Department will be replacing bridge A-45 on County Route 619 which they anticipate will start the Spring of 2022 and will be closed for approximately 3 months.

Comm. Kiernan made a motion, seconded by Comm. Pfefferle to go into Executive Session. (8:47 PM )

**Roll Call: Aye: Plumer, Pfefferle, Kiernan**

**Nay: None**

**Abstain: None**

**Motion Carried**

**Open Public Meetings Act RESOLUTION- Executive Session**

**WHEREAS**, N.J.S.A. 2:4-12, Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist:

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Alexandria, County of Hunterdon, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:

\_\_\_\_\_ A confidential or excluded matter under Federal or State Law or Court Rule.

\_\_\_\_\_ A matter involving information that may impair the Township's rights to receive funds from the United States Government.

\_\_\_\_\_ A matter constituting an unwarranted invasion of an individual's privacy rights.

\_\_\_\_\_ Collective Bargaining Agreement or negotiation of the Agreement.

\_\_\_\_\_ Matters involving the purchase, lease or acquisition of real property with public funds which it could adversely affect the public interest if discussion were disclosed.

\_\_\_\_\_ Tactics and techniques to protect the safety and property of the public, including investigations of violations or potential violations of the law.

  X   Pending or anticipated litigation or contract negotiations in which the public body is or may become a party.

**Alexandria Overlook**

  X   Matters falling within the attorney-client privilege.

**Beneduce Vineyards**

  X   Personnel matters involving a specific employee or officer of the Township.

**Employee Manual Review**

**Advertising for a Part-time Deputy Clerk/Building Secretary**

\_\_\_\_\_ Deliberations of the Township occurring after a public hearing that may result in the imposition of a specific penalty or suspension or loss of a license or permit.

3. It is anticipated at this time that the above matter will be made public: at the conclusion of the litigation and at such time as attorney client confidentiality is no longer needed to protect confidentiality and litigation strategy.
4. The executive session minutes will be placed on file in the township clerk's office and will be available to the public as provided for by New Jersey law.
5. This Resolution shall take effect immediately.

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Comm. Pfefferle made a motion, seconded by Comm. Kiernan to return to Public Session **(9:46 PM)**.

**Roll Call: Aye: Plumer, Kiernan, Pfefferle**

**Nay: None**

**Abstain: None**

**Motion Carried**

Comm. Kiernan made a motion, seconded by Comm. Pfefferle to approve the Meeting minutes of:

- March 10, 2021 Township Committee
- March 10, 2021 Executive Session
- March 24, 2021 Workshop Meeting

**Roll Call: Aye: Plumer, Kiernan, Pfefferle**

**Nay: None**

**Abstain: None**

**Motion Carried**

**Matters discussed in Executive Session:**

- Beneduce Vineyards

Attorney for Beneduce Vineyards wants to postpone the hearing until it can be in person. The next meeting is scheduled for June. The Township has adopted a Special Events Ordinance that Beneduce Vineyards can utilize in lieu of going before the CADB.

- Employee Manual Review

The Township Committee was provided the most current employee manual for review. The manual was updated to include a Domestic Violence Policy, No Smoking Policy, and an amended Education Policy.

- Alexandria Overlook

Matter to stay in Executive Session.

- Advertising for a Part-time Deputy Clerk/Building Secretary

Township Clerk/Administrator Bobrowski will draft an ad for the position of a full-time Deputy Clerk/Technical Assistant to the Construction Official and have the Township Committee review before it is advertised.

**MOTION TO ADJOURN**

Comm. Kiernan made a motion, seconded by Comm. Pfefferle to adjourn at 9:48 PM.

**Roll Call: Aye: Plumer, Pfefferle, Kiernan**

**Nay: None**

**Abstain: None**

**Motion Carried**

Meeting Adjourned at 9:48 PM.

**Respectfully Submitted:**

**Michele Bobrowski, CMC/RMC**

**Township Clerk**

I hereby certify that I have reviewed these Minutes of the Township Committee Meeting of April 14, 2021 and certify that said Minutes were approved by the Township Committee on the 12<sup>th</sup> day of May 2021.

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Gabe Plumer, Mayor

# **EXHIBIT D**



**State of New Jersey**  
**CANNABIS REGULATORY COMMISSION**

PHILLIP D. MURPHY  
*Governor*

P.O. BOX 216  
TRENTON, N.J. 08625-0216

SHEILA Y. OLIVER  
*Lt. Governor*

DIANNA HOUENOU, *Chair*  
SAMUEL DELGADO, *Vice Chair*  
KRISTA NASH, *Commissioner*  
MARIA DEL CID-KOSSO, *Commissioner*  
CHARLES BARKER, *Commissioner*  
JEFF BROWN, *Executive Director*

October 15, 2021

Altus New Jersey LLC  
115 Kelbourne Ave  
Sleepy Hollow, NY 10591

**Re: FINAL AGENCY DECISION**

*Award of Vertically Integrated Permit to Operate an Alternative Treatment Center ("ATC") Pursuant to the 2019 Request for Applications ("RFA") Process*

Dear Robert Pease,

The New Jersey Cannabis Regulatory Commission ("CRC") has received and reviewed your application for a vertically integrated permit, submitted on 8/20/2019, to operate an Alternative Treatment Center ("ATC") pursuant to N.J.S.A. 24:6I-1 et seq. Following thorough review by the selection committee, and subject to the post-award accountability measures listed below, the CRC has awarded you for a vertically integrated permit.

By way of background, on July 1, 2019, the Department of Health ("Department") posted a Request for Applications ("RFA") to operate up to twenty-four ATCs, of which up to eight such centers would be in the Northern and Central regions of the state, up to seven would be in the Southern region of the State, and one would be in a region to be determined at the time of award based on patient need. The RFA sought to award permits for up to fifteen dispensaries, five cultivation sites, and four vertically integrated ATCs (granting the ability to cultivate, manufacture, and dispense medical cannabis and medical cannabis products). On August 2, 2019, the RFA was updated to clarify provisions related to the application fees required for vertically integrated permit applications.

To allow for a robust industry with room for different operators, prospective applicants were restricted in the number of applications they could submit. Applicants seeking a vertically integrated permit could submit only one application and could not seek any other permit or endorsement. Applicants not seeking a vertically integrated permit were allowed to submit up to one application per region for a maximum of three applications, and only one application could be for a cultivation endorsement.

No applicant could be awarded more than one permit under the 2019 RFA, and no applicant could hold more than one cultivation endorsement, one manufacturing endorsement, and one dispensary endorsement as a result of the awards made pursuant to the RFA.

Applications for vertically integrated permits were due to the Department no later than August 22, 2019, at 3:00 PM. Applicants had the choice of whether to submit the application online and only submit signed coversheets and checks in person, or to submit the entire application in hard copy/paper form.

The Department received a total of 198 applications, including 40 applications for cultivation permit endorsements, 109 applications for dispensary permit endorsements, and 49 applications for vertically integrated permits. An initial completeness review of all 198 applications was conducted by the Department. Of the 198 applications, 2 were submitted as incomplete applications.

Pursuant to N.J.A.C. 8:64-6.2 (now N.J.A.C. 17:30A-6.2 and 6.4), the Department convened a selection committee in conjunction with the RFA. The selection committee was composed of a total of nine individuals in full-time State service from the Department of Health, the Department of the Treasury, the Department of Environmental Protection, and the Department of Labor.

Selection committee members possessed the following expertise:

- Three members were experienced in the regulation of the cultivation, manufacturing and dispensing of medical cannabis;
- One member had expertise in quality assurance, public health and emergency preparedness;
- One member had expertise in public health, pharmaceutical assistance and fiscal management;
- One member had expertise in the management of environmental resources and public affairs;
- One member had expertise in workforce development;
- One member had expertise in labor compliance; and
- One member had expertise in business development and the certification of minority-owned, women-owned, and veteran-owned businesses.

Prior to beginning work on the selection committee, members completed a confidentiality agreement and a business disclosure form so the Department could verify that none of the selection committee members had any outside business interests that would conflict with their work on the committee. Once the completeness review concluded, selection committee members were provided a list of the applicants they would be scoring, including the names of principals, owners, and directors. Every selection committee signed a certification stating they possessed no conflicts of interest with respect to the applicants.

The Department organized three trainings for selection committee members:

- Two initial trainings, one on September 19, 2019 and one on September 23, 2019. Each selection committee member attended one of these trainings.
- A refresher training on February 23, 2021 after the stay on proceedings was lifted on February 17, 2021 (discussed in further detail below).

The trainings included an overview of the Department's regulations, an overview of the medical cannabis market as it existed in September of 2019, and a comprehensive review of the terms of the RFA, the scoring criteria, and the assignments for each team.

The selection committee was divided into three teams of three, with each team responsible for scoring a portion of each permit endorsement application in accordance with specific measures. Each team was responsible for a maximum of 100 points for every permit endorsement sought (100 points for cultivation



and dispensary applications, and 300 points for vertically integrated applications, which includes three endorsements).

In December of 2019, following a challenge by several disqualified applicants, the Superior Court of New Jersey, Appellate Division, issued a stay that barred the Department from undertaking any additional work on the 2019 RFA. Despite the Department's efforts to continue reviewing applications while the Court reviewed the appellants' claims, the Department was prohibited from reviewing, scoring, and awarding any permits under the 2019 RFA process. The stay imposed by the Appellate Division was vacated on February 18, 2021<sup>1</sup>.

Based upon the selection committee's impartial and thorough review of the applications against the criteria set forth in the RFA, the following applicants received the highest composite scores for vertically integrated permits:

<b>Control #</b>	<b>Applicant Name</b>	<b>Canopy Size (sq. ft.)</b>	<b>Region</b>	<b>Total Score</b>
19-0024	Altus New Jersey LLC	30,000	Central	785.00
19-0169	Greenhouse Wellness of New Jersey, LLC	30,000	South	779.33
19-0078	Holistic NJ I LLC	30,000	Central	776.67
19-0002	Healing Essentials, LLC	30,000	South	756.00
19-0198	CHM Consulting, LLC	20,000	Central	746.67
19-0152	Etain New Jersey, LLC	30,000	North	739.33
19-0080	Mission New Jersey, LLC	30,000	Central	738.00
19-0180	AP NJ Health LLC	30,000	Central	733.33

The table shows the top eight scoring vertically integrated applications returned by the selection committee. The highest possible score for cultivation endorsement applications was 900 points. Total scores for all applications ranged from 434.00 points to 785.00 points.

The CRC selected award recipients in accordance with an objective methodology that ensures and adequate supply of medicinal cannabis to meet the needs of registered patients, which is a significant component of the purpose and intent of N.J.S.A. 24:6I-1 et al. The selection methodology formulated by the CRC and the post-award measures: (1) address patient need; (2) prioritize the highest scoring applicants while also complying with the distribution set out in the 2019 RFA; (3) are driven by data; and (4) include accountability measures that ensure that awardees operate to the standards proposed in their applications. The resulting awardees are expected to get up and running quickly and begin addressing patient need as soon as practicable.

Vertically integrated ATCs are authorized to cultivate, manufacture, and dispense medicinal cannabis items. Therefore, the CRC's awards reflect an evaluation of applicants' ability to produce medicinal

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<sup>1</sup> Pursuant to N.J.S.A. 24:6I-24(a), the CRC has assumed all responsibility for the Medicinal Marijuana Program from the Department of Health. This occurred in April 2021 following constitution of the CRC Board of Commissioners. With this transfer of authority came the responsibility to review and approve or deny applications submitted pursuant to the 2019 RFA.

cannabis and medicinal cannabis products when selecting vertically integrated ATCs, but also their ability to provide an additional access point to patients. The methodology used to award these permits was as follows: (1) Select the highest scoring vertically integrated applicant in each region<sup>2</sup>; and (2) Select a fourth vertically integrated ATC based on overall score and patient need.

In accordance with the above criteria and analysis, the CRC first selected the highest scoring applicant in the Northern Region – Etain. Next, the CRC chose the highest scoring applicant from the Central Region – Altus. Third, the CRC chose the highest scoring applicant from the Southern Region – Greenhouse Wellness. Finally, and pursuant to the terms of the 2019 RFA, the fourth vertically integrated permit was to be awarded based on overall score and patient need. To determine the region of greatest patient need, the CRC used a four-factor supply/demand measure that takes into account: (1) ratio of patient enrollment in each region to total patient enrollment, (2) the ratio of total population in each region to total population statewide; (3) the ratio of canopy in each region to total canopy in the state, and (4) the ratio of number of dispensaries in the region to total number of dispensaries in the state. The analysis, whether conducted with the current canopy totals or with the added canopy totals based on the 2019 RFA cultivation awards, yielded the same result: the greatest patient need was in the Central Region. Therefore, the fourth permit was awarded to the highest scoring applicant in that region not yet selected – Holistic.

These awards add a total of up to 120,000 square feet of additional cultivation to the state’s existing capacity, as well as four new manufacturing labs and four new dispensaries. This methodology, consistent with the terms of the RFA, adds at least one new vertically integrated permit awardee in every region while providing additional medicinal cannabis resources in the region with the highest number of patients per dispensary. Pursuant to the methodology described above, the awards are as follows:

- a. The highest scoring application in the Northern Region:

Control #	Applicant Name	Region	Canopy Size	Total Score
19-0152	Etain New Jersey LLC	30,000	North	739.33

- b. The highest scoring application in the Central Region:

Control #	Applicant Name	Region	Canopy Size	Total Score
19-0024	Altus New Jersey LLC	30	Central	785.00

- c. The highest scoring application in the Southern Region:

Control #	Applicant Name	Region	Canopy Size	Total Score
19-0169	Greenhouse Wellness of New Jersey, LLC	30,000	South	779.33

- d. Pursuant to the terms of the RFA, the highest scoring application not previously selected

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<sup>2</sup> Applicants were only allowed to submit one application so therefore, unlike in the 2018 RFA, this restriction does not disqualify any applications in other regions.

for a proposed award based on overall score and patient need:

Control #	Applicant Name	Region	Canopy Size	Total Score
19-078	Holistic NJ I LLC	Central	30,000	776.67

Based on a full and thorough review of each application against the requirements set forth in the RFA, the composite scores enumerated by the CRC, the selection methodology detailed above, and in accordance with the purposes of N.J.S.A. 24:6I-1 et al. and P.L.2009, c.307 and the regulations promulgated thereunder, the CRC hereby APPROVES the following application, subject to all of the terms and conditions outlined below:

Applicant: Altus New Jersey LLC

Region: Central

Score: 785.00

This award is contingent on the applicant adhering to the following terms and conditions. These conditions are required and designed to maintain accountability to the statements and declarations included in the applicant's proposals. As used in this letter, "date of award" means the date of this Final Agency Decision (Friday, October 15, 2021).

1. Within five (5) business days of this notification of award, each awardee shall confirm in writing to [crc.licensing@crc.nj.gov](mailto:crc.licensing@crc.nj.gov), that it accepts the award. Acceptance of this award may result in the applicant being disqualified from receiving award of any pending permit applications;
2. If accepted, within twenty (20) business days from the date of award, the awardees shall confirm in writing, that it still has site control and local approval for the endorsement. An awardee without both site control and local approval after twenty (20) business days will have its award rescinded;
3. An awardee for a cultivation endorsement or for a vertically integrated permit must be fully permitted within 18 months from the date of this award;
4. An awardee shall operate in accordance with its medicinal cannabis application for at least two (2) years, except that it may apply to expand its cultivation canopy for medicinal cannabis after one (1) year, so long as it can be justified by patient need;
5. Awardees are required to comply with deadlines and timelines established by the CRC for submission of information and documentation, including but not limited to deadlines by which members must be fingerprinted. Failure to adhere to established timelines may result in rescission of the award;

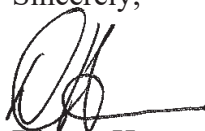
6. Awardees shall not be authorized to add any owners or principals that were not disclosed on the application until after the permit is issued;
7. Awardees shall not be authorized to enter into any management services agreements that were not disclosed in the application for two (2) years following the award;
8. If an awardee received scores for a woman-owned, veteran-owned, or minority-owned business certification, the awardee shall confirm in writing or provide a copy of its approved New Jersey Department of the Treasury, Division of Revenue & Enterprise Services Minority, Women, and/or Veteran-Owned Business certificate within twenty (20) business days of this award to confirm that it still possesses the certification. Maintaining the certification is an ongoing material condition of the award. Any awardee that received scores for having a minority-owned, woman-owned, or disabled-veteran owned business that does not confirm they still have the certification within twenty (20) business days of award will have their award rescinded;
9. If an applicant received scores for a labor peace agreement, maintenance of that agreement is a required condition of the award;
10. The awardee shall not transfer majority ownership interest in the ATC until they have operated for at least two (2) years under the permit issued in accordance with this award;
11. All awards are strictly for the cultivation, manufacturing, and/or dispensing of medicinal cannabis pursuant to P.L. 2009, c.307 and N.J.A.C. 8:64 (now N.J.A.C. 17:30A). The awards do not authorize any personal-use cannabis activities described under P.L. 2021, c. 16 and N.J.A.C. 17:30. Awardees shall operate in accordance with this award as presented in this Final Agency Decision for at least one (1) year prior to applying to the Commission to become an “Expanded ATC”; and
12. If an award is rescinded due to the applicant’s failing to abide by the required terms and conditions outlined above, or if an applicant fails to accept its award within five (5) business days of this notification of award, the next highest scoring applicant, such that the award would be consistent with the regional and canopy requirements of the 2019 RFA, will be considered by the Commission for the award.

All applicants have the right to appeal the Commission’s decision to the Superior Court of New Jersey, Appellate Division, by Monday, November 29, 2021 (45 days from the date of this letter). All appeals should be directed to: Superior Court of New Jersey, Appellate Division, Richard J. Hughes Justice Complex, P.O. Box 006, Trenton, New Jersey 08625-0006.

Any applicant with questions regarding the 2019 RFA process and methodology, and any unsuccessful applicant that wishes to file a grievance with the Commission, may do so by submitting their question or grievance in writing to [crc.licensing@crc.nj.gov](mailto:crc.licensing@crc.nj.gov) by 5:00 p.m. Eastern Time on October 19, 2021. Multiple questions/grievances can be submitted together but must be numbered. Responses to submissions deemed relevant to the 2019 RFA process and methodology will be provided within 30 days – by 5:00 p.m. Eastern Time on November 18, 2021. The question and grievance period should only be used for the purpose of addressing questions and complaints related to the 2019 RFA process and methodology. All other questions should be submitted through the Commission website and will be answered in the regular course of business.

Congratulations on your successful application and thank you for your interest in working with the CRC to provide important services and products to the medicinal cannabis patient community of New Jersey.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dianna', with a long horizontal flourish extending to the right.

Dianna Houenou

Chairperson

New Jersey Cannabis Regulatory Commission